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(Original Signature of Member)

109TH CONGRESS
2^D SESSION

H. R. _____

To establish guidelines and incentives for States to establish criminal drug dealer registries and to require the Attorney General to establish a national criminal drug dealer registry and notification program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PEARCE introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish guidelines and incentives for States to establish criminal drug dealer registries and to require the Attorney General to establish a national criminal drug dealer registry and notification program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Communities Leading
3 Everyone Away From Narcotics Through Online Warning
4 Notification Act”, or the “CLEAN TOWN Act”.

5 **SEC. 2. DRUG DEALER REGISTRATION AND NOTIFICATION**
6 **PROGRAM.**

7 (a) **REGISTRY REQUIREMENTS FOR JURISDIC-**
8 **TIONS.—**

9 (1) **JURISDICTION TO MAINTAIN A REGISTRY.—**
10 Each jurisdiction shall establish and maintain a ju-
11 risdiction-wide criminal drug dealer registry con-
12 forming to the requirements of this section.

13 (2) **GUIDELINES AND REGULATIONS.—**The At-
14 torney General shall issue guidelines and regulations
15 to interpret and implement this section.

16 (b) **REGISTRY REQUIREMENTS FOR CRIMINAL DRUG**
17 **DEALERS.—**

18 (1) **IN GENERAL.—**A criminal drug dealer shall
19 register, and shall keep the registration current, in
20 each jurisdiction where the dealer resides, where the
21 dealer is an employee, and where the dealer is a stu-
22 dent. For initial registration purposes only, a crimi-
23 nal drug dealer shall also register in the jurisdiction
24 in which convicted if such jurisdiction is different
25 from the jurisdiction of residence.

1 (2) INITIAL REGISTRATION.—The criminal drug
2 dealer shall initially register—

3 (A) before completing a sentence of impris-
4 onment with respect to the offense giving rise
5 to the registration requirement; or

6 (B) not later than three business days
7 after being sentenced for that offense, if the
8 criminal drug dealer is not sentenced to a term
9 of imprisonment.

10 (3) KEEPING THE REGISTRATION CURRENT.—A
11 criminal drug dealer shall, not later than three busi-
12 ness days after each change of name, residence, em-
13 ployment, or student status, appear in person in at
14 least one jurisdiction involved pursuant to paragraph
15 (1) and inform that jurisdiction of all changes in the
16 information required for that dealer in the criminal
17 drug dealer registry. That jurisdiction shall imme-
18 diately provide the revised information to all other
19 jurisdictions in which the dealer is required to reg-
20 ister.

21 (4) INITIAL REGISTRATION OF CRIMINAL DRUG
22 DEALERS UNABLE TO COMPLY WITH PARAGRAPH
23 (2).—The Attorney General shall have the authority
24 to specify the applicability of the requirements of
25 this section to criminal drug dealers convicted before

1 the date of the enactment of this Act or its imple-
2 mentation in a particular jurisdiction, and to pre-
3 scribe rules for the registration of any such criminal
4 drug dealers and other categories of criminal drug
5 offenders who are unable to comply with paragraph
6 (2).

7 (5) STATE PENALTY FOR FAILURE TO COM-
8 PLY.—Each jurisdiction, other than a Federally rec-
9 ognized Indian tribe, shall provide a criminal penalty
10 that includes a maximum term of imprisonment that
11 is greater than one year for the failure of a criminal
12 drug dealer to comply with the requirements of this
13 section.

14 (6) LIMITED AUTHORITY TO EXEMPT CERTAIN
15 DRUG DEALERS FROM REGISTRY REQUIREMENTS.—
16 A jurisdiction shall have the authority to exempt a
17 criminal drug dealer who has been convicted of a
18 criminal drug dealing offense for the first time from
19 the registration requirements under this section in
20 exchange for such dealer's substantial assistance in
21 the investigation or prosecution of another person
22 who has committed an offense. The jurisdiction shall
23 revoke any such exemption and order the dealer to
24 comply with the registration requirements of this
25 section immediately upon cessation of active co-

1 operation with the jurisdiction relating to such inves-
2 tigation or prosecution. The Attorney General shall
3 assure that any regulations promulgated under this
4 section include guidelines that reflect the general ap-
5 propriateness of exempting such a dealer from the
6 registration requirements under this section.

7 (c) INFORMATION REQUIRED IN REGISTRATION.—

8 (1) PROVIDED BY THE DEALER.—A criminal
9 drug dealer shall provide the following information
10 to the appropriate official for inclusion in the crimi-
11 nal drug dealer registry of a jurisdiction in which
12 such dealer is required to register:

13 (A) The name of the dealer (including any
14 alias used by the dealer).

15 (B) The Social Security number of the
16 dealer.

17 (C) The address of each residence at which
18 the dealer resides or will reside.

19 (D) The name and address of any place
20 where the dealer is an employee or will be an
21 employee.

22 (E) The name and address of any place
23 where the dealer is a student or will be a stu-
24 dent.

1 (F) The license plate number and a de-
2 scription of any vehicle owned or operated by
3 the dealer.

4 (G) Any other information required by the
5 Attorney General.

6 (2) PROVIDED BY THE JURISDICTION.—The ju-
7 risdiction in which a criminal drug dealer registers
8 shall ensure that the following information is in-
9 cluded in the registry for such dealer:

10 (A) A physical description of the dealer.

11 (B) The text of the provision of law defin-
12 ing the criminal offense for which the dealer is
13 registered.

14 (C) The criminal history of the dealer, in-
15 cluding the date of all arrests and convictions;
16 the status of parole, probation, or supervised
17 release; registration status; and the existence of
18 any outstanding arrest warrants for the dealer.

19 (D) A current photograph of the dealer.

20 (E) A set of fingerprints and palm prints
21 of the dealer.

22 (F) A photocopy of a valid driver's license
23 or identification card issued to the dealer by a
24 jurisdiction.

1 (G) Any other information required by the
2 Attorney General.

3 (d) DURATION OF REGISTRATION REQUIREMENT.—

4 A criminal drug dealer shall keep the registration informa-
5 tion provided under subsection (c) current for the full reg-
6 istration period (excluding any time the dealer is in cus-
7 tody or civilly committed). For purposes of this subsection,
8 the full registration period—

9 (1) shall commence on the later of the date on
10 which the dealer is convicted of a criminal drug deal-
11 ing offense, the date on which the dealer is released
12 from prison for such conviction, or the date on
13 which such dealer is placed on parole, supervised re-
14 lease, or probation for such conviction; and

15 (2) shall be—

16 (A) five years for a dealer who has been
17 convicted of a criminal drug dealing offense for
18 the first time;

19 (B) ten years for a dealer who has been
20 convicted of a criminal drug dealing offense for
21 the second time; and

22 (C) for the life of the dealer for a dealer
23 who has been convicted of a criminal drug deal-
24 ing offense more than twice.

1 (e) ANNUAL VERIFICATION.—Not less than once in
2 each calendar year during the full registration period, a
3 criminal drug dealer required to register under this section
4 shall—

5 (1) appear in person at not less than one juris-
6 diction in which such dealer is required to register;

7 (2) allow such jurisdiction to take a current
8 photograph of the dealer; and

9 (3) while present at such jurisdiction, verify the
10 information in each registry in which that dealer is
11 required to be registered.

12 (f) DUTY TO NOTIFY CRIMINAL DRUG DEALERS OF
13 REGISTRATION REQUIREMENTS AND TO REGISTER.—

14 (1) IN GENERAL.—An appropriate official shall,
15 shortly before release of a criminal drug dealer from
16 custody, or, if the dealer is not in custody, imme-
17 diately after the sentencing of the dealer for the of-
18 fense giving rise to the duty to register—

19 (A) inform the dealer of the duties of the
20 dealer under this section and explain those du-
21 ties;

22 (B) require the dealer to read and sign a
23 form stating that the duty to register has been
24 explained and that the dealer understands the
25 registration requirement; and

1 (C) ensure that the dealer is registered.

2 (2) NOTIFICATION OF CRIMINAL DRUG DEAL-
3 ERS WHO CANNOT COMPLY WITH PARAGRAPH (1).—

4 The Attorney General shall prescribe rules for the
5 notification of criminal drug dealers who cannot be
6 notified and registered in accordance with paragraph
7 (1).

8 (g) PUBLIC ACCESS TO CRIMINAL DRUG DEALER IN-
9 FORMATION THROUGH THE INTERNET.—

10 (1) IN GENERAL.—Except as provided in this
11 subsection, each jurisdiction shall make available on
12 the Internet, in a manner that is readily accessible
13 to all jurisdictions and to the public, all information
14 about each criminal drug dealer in the registry. The
15 jurisdiction shall maintain the Internet site in a
16 manner that will permit the public to obtain relevant
17 information for each such dealer by a single query
18 for any given zip code or geographic radius set by
19 the user. The jurisdiction shall also include in the
20 design of its Internet site all field search capabilities
21 needed for full participation in the National criminal
22 drug dealer public Internet site established under
23 subsection (i) and shall participate in that website as
24 provided by the Attorney General.

1 (2) MANDATORY EXEMPTIONS.—A jurisdiction
2 shall exempt from public disclosure, with respect to
3 information about a criminal drug dealer—

4 (A) the identity of any victim of an of-
5 fense;

6 (B) the Social Security number of the
7 criminal drug dealer;

8 (C) any reference to arrests of the criminal
9 drug dealer that did not result in conviction;
10 and

11 (D) any other information exempted from
12 public disclosure by the Attorney General.

13 (3) OPTIONAL EXEMPTIONS.—A jurisdiction
14 may exempt from public disclosure, with respect to
15 information about a criminal drug dealer—

16 (A) any information about the dealer in-
17 volving conviction for an offense other than the
18 offense or offenses for which the dealer is reg-
19 istered;

20 (B) the name of an employer of the dealer;

21 (C) the name of an educational institution
22 where the dealer is a student;

23 (D) any information about the dealer if the
24 dealer is participating in a witness protection
25 program and the release of such information

1 could jeopardize the safety of the dealer or any
2 other individual; and

3 (E) any other information identified as an
4 optional exemption from public disclosure by
5 the Attorney General.

6 (4) LINKS.—An Internet site established by a
7 jurisdiction pursuant to paragraph (1) shall include,
8 to the extent practicable, links to substance abuse
9 education resources.

10 (5) CORRECTION OF ERRORS.—An Internet site
11 established by a jurisdiction pursuant to paragraph
12 (1) shall include instructions on how to seek correc-
13 tion of information that an individual contends is er-
14 roneous.

15 (6) WARNING.—An Internet site established by
16 a jurisdiction pursuant to paragraph (1) shall in-
17 clude a warning that information on the site should
18 not be used to unlawfully injure, harass, or commit
19 a crime against any individual named in the registry
20 or residing or working at any reported address. The
21 warning shall note that any such action could result
22 in civil or criminal penalties.

23 (h) NATIONAL CRIMINAL DRUG DEALER REG-
24 ISTRY.—

1 (1) IN GENERAL.— The Attorney General shall
2 maintain a national database at the Federal Bureau
3 of Investigation for each criminal drug dealer and
4 any other person required to register in a jurisdic-
5 tion’s criminal drug dealer registry under subsection
6 (a). The database shall be known as the National
7 Criminal Drug Dealer Registry.

8 (2) ELECTRONIC FORWARDING.—The Attorney
9 General shall ensure (through the National Criminal
10 Drug Dealer Registry or otherwise) that updated in-
11 formation about a criminal drug dealer is imme-
12 diately transmitted by electronic forwarding to all
13 relevant jurisdictions.

14 (i) NATIONAL CRIMINAL DRUG DEALER PUBLIC
15 INTERNET SITE.—The Attorney General shall establish
16 and maintain a national criminal drug dealer public Inter-
17 net site. The Internet site shall include relevant informa-
18 tion for each criminal drug dealer and other person listed
19 on a jurisdiction’s Internet site under subsection (g). The
20 Internet site shall allow the public to obtain relevant infor-
21 mation for each such offender by a single query for any
22 given zip code or geographical radius set by the user in
23 a form and with such limitations as may be established
24 by the Attorney General and shall have such other field
25 search capabilities as the Attorney General may provide.

1 (j) NOTIFICATION PROCEDURES.—Under a criminal
2 drug dealer registration program established by a jurisdic-
3 tion pursuant to subsection (a), immediately after a crimi-
4 nal drug dealer registers or updates a registration, an ap-
5 propriate official in the jurisdiction shall provide the infor-
6 mation in the registry (other than information exempted
7 from disclosure by the Attorney General) about that of-
8 fender to the following:

9 (1) The Attorney General, who shall include
10 that information in the National Criminal Drug
11 Dealer Registry or other appropriate databases.

12 (2) Appropriate law enforcement agencies (in-
13 cluding probation agencies, if appropriate), and each
14 school and public housing agency, in each area in
15 which the offender resides, is an employee, or is a
16 student.

17 (3) Each jurisdiction where the offender re-
18 sides, is an employee, or is a student, and each juris-
19 diction from or to which a change of residence, em-
20 ployment, or student status occurs.

21 (4) Any organization, company, or individual
22 who requests such notification pursuant to proce-
23 dures established by the jurisdiction.

24 (k) ACTIONS TO BE TAKEN WHEN CRIMINAL DRUG
25 DEALER FAILS TO COMPLY.—Under a criminal drug deal-

1 er registration program established by a jurisdiction pur-
2 suant to subsection (a), an appropriate official of the juris-
3 diction shall notify the Attorney General and appropriate
4 law enforcement agencies of any failure by a criminal drug
5 dealer to comply with the requirements of the criminal
6 drug dealer registry for such jurisdiction, and shall revise
7 the registry to reflect the nature of such failure. The ap-
8 propriate official, the Attorney General, and each such law
9 enforcement agency shall take any appropriate action to
10 ensure compliance.

11 (l) DEVELOPMENT AND AVAILABILITY OF REGISTRY
12 MANAGEMENT AND WEBSITE SOFTWARE.—

13 (1) DUTY TO DEVELOP AND SUPPORT.—The
14 Attorney General shall, in consultation with the ju-
15 risdictions, develop and support software to enable
16 jurisdictions to establish and operate uniform crimi-
17 nal drug dealer registries and Internet sites.

18 (2) CRITERIA.—The software described in para-
19 graph (1) should facilitate—

20 (A) immediate exchange of information
21 among jurisdictions;

22 (B) public access over the Internet to ap-
23 propriate information, including the number of
24 registered criminal drug dealers in each juris-
25 diction on a current basis;

1 (C) full compliance with the requirements
2 of this section; and

3 (D) communication of information as re-
4 quired under subsection (j).

5 (3) DEADLINE.—The Attorney General shall
6 make the first complete edition of this software
7 available to jurisdictions not later than two years
8 after the date of the enactment of this Act.

9 (m) PERIOD FOR IMPLEMENTATION BY JURISDIC-
10 TIONS.—

11 (1) DEADLINE.—To be in compliance with this
12 section, a jurisdiction shall implement this section
13 before the later of—

14 (A) three years after the date of the enact-
15 ment of this Act; or

16 (B) one year after the date on which the
17 software described in subsection (l) is made
18 available to such jurisdiction.

19 (2) EXTENSIONS.—The Attorney General may
20 authorize not more than two one-year extensions of
21 the deadline under paragraph (1).

22 (n) FAILURE OF JURISDICTION TO COMPLY.—

23 (1) IN GENERAL.—For any fiscal year after the
24 deadline described in subsection (m), a jurisdiction
25 that fails, as determined by the Attorney General, to

1 substantially implement this section shall not receive
2 10 percent of the funds that would otherwise be allo-
3 cated for that fiscal year to the jurisdiction under
4 subpart 1 of part E of title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (42 U.S.C.
6 3750 et seq.).

7 (2) STATE CONSTITUTIONALITY.—

8 (A) IN GENERAL.—When evaluating
9 whether a jurisdiction has substantially imple-
10 mented this section, the Attorney General shall
11 consider whether the jurisdiction is unable to
12 substantially implement this section because of
13 a demonstrated inability to implement certain
14 provisions that would place the jurisdiction in
15 violation of its constitution, as determined by a
16 ruling of the jurisdiction's highest court.

17 (B) EFFORTS.—If the circumstances arise
18 under subparagraph (A), then the Attorney
19 General and the jurisdiction involved shall make
20 good faith efforts to accomplish substantial im-
21 plementation of this section and to reconcile
22 any conflicts between this section and the juris-
23 diction's constitution. In considering whether
24 compliance with the requirements of this section
25 would likely violate the jurisdiction's constitu-

tion or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(C) ALTERNATIVE PROCEDURES.—If a jurisdiction is unable to substantially implement this section because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this section if the jurisdiction has made, or is in the process of implementing, reasonable alternative procedures or accommodations, which are consistent with the purposes of this section.

(D) FUNDING REDUCTION.—If a jurisdiction determined to be in compliance under subparagraph (C) does not comply with the alternative procedures or accommodations described in such subparagraph, then the jurisdiction shall be subject to a funding reduction as specified in paragraph (1).

1 (3) REALLOCATION.—Amounts not allocated
2 under a program referred to in this subsection to a
3 jurisdiction for failure to substantially implement
4 this section shall be reallocated under that program
5 to jurisdictions that have not failed to substantially
6 implement this section or may be reallocated to a ju-
7 risdiction from which they were withheld to be used
8 solely for the purpose of implementing this section.

9 (4) RULE OF CONSTRUCTION.—The provisions
10 of this section that are cast as directions to jurisdic-
11 tions or their officials constitute, in relation to
12 States, only conditions required to avoid the reduc-
13 tion of Federal funding under this subsection.

14 (o) ELECTION BY INDIAN TRIBES.—

15 (1) ELECTION.—

16 (A) IN GENERAL.—A Federally recognized
17 Indian tribe may, by resolution or other enact-
18 ment of the tribal council or comparable gov-
19 ernmental body—

20 (i) elect to carry out this section as a
21 jurisdiction subject to its provisions; or

22 (ii) elect to delegate its functions
23 under this section to another jurisdiction
24 or jurisdictions within which the territory
25 of the tribe is located and to provide access

1 to its territory and such other cooperation
2 and assistance as may be needed to enable
3 such other jurisdiction or jurisdictions to
4 carry out and enforce the requirements of
5 this section.

6 (B) IMPUTED ELECTION IN CERTAIN
7 CASES.—A tribe shall be treated as if it had
8 made the election described in subparagraph
9 (A)(ii) if—

10 (i) it is a tribe subject to the law en-
11 forcement jurisdiction of a State under
12 section 1162 of title 18, United States
13 Code;

14 (ii) the tribe does not make an elec-
15 tion under subparagraph (A) within one
16 year of the date of the enactment of this
17 Act or rescinds an election under subpara-
18 graph (A)(i); or

19 (iii) the Attorney General determines
20 that the tribe has not substantially imple-
21 mented the requirements of this section
22 and is not likely to become capable of
23 doing so within a reasonable amount of
24 time.

1 (2) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

3 (A) NONDUPLICATION.—A tribe subject to
4 this section is not required to duplicate func-
5 tions under this section which are fully carried
6 out by another jurisdiction or jurisdictions with-
7 in which the territory of the tribe is located.

8 (B) COOPERATIVE AGREEMENTS.—A tribe
9 may, through cooperative agreements with such
10 a jurisdiction or jurisdictions—

11 (i) arrange for the tribe to carry out
12 any function of such a jurisdiction under
13 this section with respect to criminal drug
14 dealers subject to the tribe's jurisdiction;
15 and

16 (ii) arrange for such a jurisdiction to
17 carry out any function of the tribe under
18 this section with respect to criminal drug
19 dealers subject to the tribe's jurisdiction.

20 (p) IMMUNITY FOR GOOD FAITH CONDUCT.—The
21 Federal Government, jurisdictions, political subdivisions of
22 jurisdictions, and their agencies, officers, employees, and
23 agents shall be immune from liability for good faith con-
24 duct under this section.

1 **SEC. 3. CRIMINAL DRUG DEALER MANAGEMENT ASSIST-**
2 **ANCE PROGRAM.**

3 (a) IN GENERAL.—The Attorney General shall estab-
4 lish and implement a Criminal Drug Dealer Management
5 Assistance program (in this section referred to as the
6 “CDDMA program”), under which the Attorney General
7 may award a grant to a jurisdiction to offset the costs
8 of implementing section 2.

9 (b) APPLICATION.—The chief executive of a jurisdic-
10 tion desiring a grant under this section shall, on an annual
11 basis, submit to the Attorney General an application in
12 such form and containing such information as the Attor-
13 ney General may require.

14 (c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—
15 A jurisdiction that, as determined by the Attorney Gen-
16 eral, has substantially implemented section 2 not later
17 than two years after the date of the enactment of this Act
18 is eligible for a bonus payment. The Attorney General may
19 make such a payment under the CDDMA program for the
20 first fiscal year beginning after that determination. The
21 amount of the bonus payment shall be—

22 (1) 10 percent of the total received by the juris-
23 diction under the CDDMA program for the pre-
24 ceding fiscal year, if that implementation is not later
25 than one year after the date of enactment of this
26 Act; and

1 (2) 5 percent of such total, if such implementa-
2 tion is not later than two years after such date of
3 enactment.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
5 tion to any amounts otherwise authorized to be appro-
6 priated, there are authorized to be appropriated to the At-
7 torney General, to be available only for the CDDMA pro-
8 gram, such sums as may be necessary for each of the fiscal
9 years 2007 through 2012.

10 **SEC. 4. DEFINITIONS.**

11 For the purposes of this Act:

12 (1) CRIMINAL DRUG DEALER.—The term
13 “criminal drug dealer” means an individual who is
14 convicted of any criminal offense for manufacturing,
15 distributing, dispensing, or possessing with the in-
16 tent to manufacture, distribute, or dispense, a con-
17 trolled substance (as such term is defined in section
18 102(6) of the Controlled Substances Act (21 U.S.C.
19 802(6)).

20 (2) CRIMINAL DRUG DEALER REGISTRY.—The
21 term “criminal drug dealer registry” means a reg-
22 istry of criminal drug dealers, and a notification pro-
23 gram, maintained by a jurisdiction.

24 (3) CRIMINAL OFFENSE.—The term “criminal
25 offense” means a State, local, tribal, foreign, or mili-

1 tary offense (to the extent specified by the Secretary
2 of Defense under section 115(a)(8)(C)(i) of Public
3 Law 105–119 (10 U.S.C. 951 note)) or other criminal
4 offense.

5 (4) EMPLOYEE.—The term “employee” includes
6 an individual who is self-employed or works for any
7 other entity, whether compensated or not.

8 (5) JURISDICTION.—The term “jurisdiction”
9 means any of the following:—

10 (A) A State.

11 (B) The District of Columbia.

12 (C) The Commonwealth of Puerto Rico.

13 (D) Guam.

14 (E) American Samoa.

15 (F) The Northern Mariana Islands.

16 (G) The United States Virgin Islands.

17 (H) To the extent provided and subject to
18 the requirements of section 2(o), a Federally
19 recognized Indian tribe.

20 (6) RESIDES.— The term “resides” means,
21 with respect to an individual, the location of the individual’s
22 home or other place where the individual
23 habitually lives.

24 (7) STUDENT.—The term “student” means an
25 individual who enrolls in or attends an educational

- 1 institution (whether public or private), including a
- 2 secondary school, trade or professional school, and
- 3 institution of higher education.